

10/828,787

1744/SYMBP193US

REMARKS

Claims 1 and 3-26 are currently pending in the subject application and are presently under consideration. Claims 1, 14, 19, and 26 have been amended herein, and claim 2 has been cancelled. A version of all pending claims is presented on pages 2-5 of this Reply. Favorable reconsideration of the subject patent application is requested in view of the comments and amendments herein.

I. Rejection of Claims 1-9, 11-12, 14-21, and 23-26 Under 35 U.S.C. §102(e)

Claims 1-9, 11-12, 14-21, and 23-26 stand rejected under 35 U.S.C. §102(e) as being anticipated by Fan *et al.* (US Patent Application 2004/0185918). It is respectfully requested that this rejection be withdrawn for at least the following reasons. Fan *et al.* does not disclose each and every element of the subject claims.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that “*each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (*quoting Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (emphasis added).

The claimed invention relates to a power management system for a wireless mobile terminal capable of reducing power consumption of the device while maintaining reliable uninterrupted network connectivity. To that end, independent claim 1 recites a power management system that “maintains power to a CPU and a network radio of the wireless mobile terminal *to ensure reliable uninterrupted network communication* while removing power from other portions of the wireless mobile terminal to reduce power consumption.” Independent claims 14 and 19 recite similar limitations. To achieve reliable uninterrupted network connectivity the network radio maintains continuous power in order to sustain an open communication pathway such that the device constantly receives service events. An advantage of such a system is that it allows many portions of the battery-powered device to be in a power-save or off mode while the network radio remains powered to receive an event. Moreover, the claimed battery-

10/828,787

1744/SYMBP193US

powered device upon receiving such an event can power select components needed to process it, which might not necessarily be all components. *Fan et al.* fails to disclose or suggest such aspects of applicants' claimed invention.

Fan et al. provides a cellular phone that employs a power management scheme according to the wireless communication specification. In particular, *Fan et al.* discloses a cellular phone capable of maintaining a logged-in status with the wireless network while conserving power. Such logged-in status is validated at regular intervals by base station radio communications sent to the cellular phone's transceiver. The purported invention disclosed in *Fan et al.* removes power from the aforementioned transceiver, according to a time interval, reserving its use for such discrete radio communications. In other words, a cellular phone employing the disclosure in *Fan et al.* receives information related to the fixed interval of time between the discrete communications from the base station and uses this information to selectively supply and cut power to the transceiver as needed.

Fan et al., contrary to the claimed invention, discloses a cellular phone power management technique that stops providing electrical power to certain circuits, "especially the transceiver module," to conserve power. (See, *Fan et al.*, paragraph [0046]). It is clear that the power management scheme in *Fan et al.*'s cellular phone terminates connectivity reserving use for when necessary (e.g., communication with the base station to keep the server-side logged in status). *Fan et al.* does not provide for the ***reliable uninterrupted network connectivity***, as recited in the subject claims, to receive service events. (See *Fan et al.*, paragraphs [0028], [0038], [0040], [0046], and [0058]). Therefore, it is apparent that *Fan et al.* is silent with regard to ensuring ***reliable uninterrupted network connectivity*** as claimed.

In regard to independent claim 26, *Fan et al.* does not disclose a system that facilitates power management by selectively ***lowering*** power to portions of a ***wireless mobile barcode scanner*** to conserve power as claimed. As stated above, *Fan et al.* teaches a system that completely ***stops*** power to portions of a ***cellular phone***. In addition, a cellular phone does not constitute a wireless mobile barcode scanner as would be perceived by one of ordinary skill in the art. Thus, *Fan et al.* fails to disclose utilizing

10/828,787

1744/SYMBP193US

a power scheme capable of lowering power for a wireless mobile barcode scanner as disclosed in the subject claim.

In view of at least the foregoing, it is readily apparent that Fan *et al.* does not disclose each and every element of the subject invention as recited in independent claims 1, 14, 19, and 26 (and claims 3-9, 11-12, 15-18, 20-21, and, 23-25, which depend therefrom). Accordingly, applicants' representative requests this rejection be withdrawn and the subject claims allowed.

II. Rejection of Claims 10, 13, and 22 Under 35 U.S.C. §103(a)

Claims 10, 13, and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Fan *et al.* in view of Yamada *et al.* (US Patent Application 2001/0044332). It is respectfully submitted that this rejection should be withdrawn for the following reasons. Fan *et al.* and Yamada *et al.*, individually or in combination, do not teach or suggest each and every element set forth in the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP §706.02(j).

Claims 10 and 13 depend from independent claim 1 and claim 22 depends from independent claim 19. As discussed above, independent claims 1 and 19 recite similar limitations regarding a power management system and/or method that provides ***uninterrupted communication***. Fan *et al.* is silent regarding uninterrupted communication and Yamada *et al.* does not make up for the aforementioned deficiencies of Fan *et al.*

10/828,787

1744/SYMBP193US

Therefore, based on at least the foregoing it is respectfully submitted that this rejection be withdrawn.

CONCLUSION

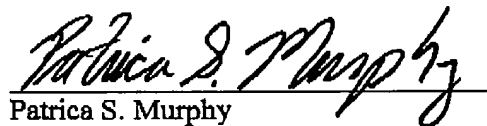
The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [SYMBP193US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN & TUROCY, LLP



Patrica S. Murphy
Reg. No. 55,964

AMIN & TUROCY, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731